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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 21, U.S.C. § 846)

ERICA MONTOYA,
MIGUELINA VENEZUELA,
and JOSE GUERRERO,

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

TONY CHIEN, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about July 14, 2012, within the Eastern District of New York and elsewhere, the defendants ERICA MONTOYA, MIGUELINA VENEZUELA, and JOSE GUERRERO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a substance containing heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and

1. On or about July 14, 2012, the defendant ERICA MONTOYA arrived at LaGuardia Airport in Queens, New York aboard Delta Airlines Flight 420 from Atlanta, Georgia. DEA agents approached her at the airport and identified themselves as law enforcement. After asking her routine questions, the agents asked her for consent to search her baggage, and she gave consent. The agents then discovered a white powdery-substance hidden in a false bottom in her suitcase. The substance field-tested positive for heroin. The gross weight of the heroin recovered is approximately 2.5 kilograms.

2. The defendant ERICA MONTOYA was placed under arrest and advised of her Miranda rights, which she appeared to understand and waived. She then proceeded to tell the agents that she was going to a hotel, where she would proceed to make a telephone call then meet someone.

3. The defendant ERICA MONTOYA and the agents proceeded to the hotel. Once there, the defendant made a telephone call to a contact in Arizona, who told her that someone would call her. A few hours later, a male, whom the defendant ERICA MONTOYA later identified as the defendant JOSE GUERRERO, called the defendant ERICA MONTOYA and told her he would meet her in half an hour, that he had "ten pesos" for her, and that she should text message her location to him, which she did.

circumstances of which I am aware.

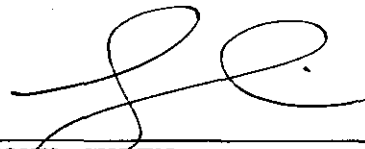
4. Approximately half an hour later, the defendant ERICA MONTOYA received a call from the defendant JOSE GUERRERO asking for the address again. Soon thereafter, he called again and said he had arrived at the location. Agents then observed the defendants JOSE GUERRERO and MIGUELINA VENEZUELA arriving at the hotel in a vehicle. The defendant JOSE GUERRERO was in the driver's seat. The defendant MIGUELINA VENEZUELA exited the vehicle and greeted the defendant ERICA MONTOYA. Previous to this encounter, the agents had searched the defendant ERICA MONTOYA for illegal contraband and money.

5. The agents observed the defendants ERICA MONTOYA and MIGUELINA VENEZUELA lift the defendant ERICA MONTOYA's suitcase and place it in the trunk of the vehicle in which the defendant MIGUELINA VENEZUELA arrived. The defendants MIGUELINA VENEZUELA and JOSE GUERRERO were then placed under arrest and advised of their Miranda rights.

6. The agents then approached the defendant ERICA MONTOYA and observed that she was carrying two packages containing a total of \$10,000, which the defendant ERICA MONTOYA said she received from the defendant MIGUELINA VENEZUELA in exchange for her suitcase. The defendant ERICA MONTOYA also says she recognized the voice of the defendant JOSE GUERRERO as the male who called her.

7. The defendant MIGUELINA VENEZUELA stated, in sum and substance, that she was not engaged in a drug transaction, did not place the defendant ERICA MONTOYA's suitcase in the vehicle, and did not give money to the defendant ERICA MONTOYA.

WHEREFORE, your deponent respectfully requests that the defendants ERICA MONTOYA, MIGUELINA VENEZUELA, and JOSE GUERRERO be dealt with according to law.



TONY CHIEN
Special Agent
Drug Enforcement Administration

Sworn to before me this
16th day of July, 2012

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